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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,208	09/26/2003	Cristiana Soldani	88265-6808	4485
29157	7590	10/25/2005	EXAMINER	
BELL, BOYD & LLOYD LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			KUHN, SARAH LOUISE	
			ART UNIT	PAPER NUMBER
			1761	

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,208

Applicant(s)

SOLDANI, CRISTIANA

Examiner

Sarah L. Kuhns

Art Unit

1761

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 3-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 8, 2005, has been entered.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1, 3-7 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas, U.S. Patent 2,290,120.

In regard to claims 1 and 3, Thomas discloses a chewing gum-containing tablet comprising a compressed mixture of gum base and tablet base in particulate form, wherein the average particle size of the gum base and the tablet base is less than approximately 150 micron (column 2, lines 21-42). It would be inherent that if the tablet were made of compressed powder, it would crumble into a powder again when it is

masticated, until enough saliva is absorbed by the particles to cause them to form a wad of chewing gum.

In regard to claim 4, Thomas discloses the gum base being plasticized rubber or polymer (column 4, lines 3-17).

In regard to claims 5 and 6, Thomas discloses the tablet base material being corn syrup (glucose and fructose) and powdered sugar (sucrose) (column 2, lines 34-36).

In regard to claim 7, Thomas discloses the chewing gum-containing tablet further comprising a flavor (column 2, line 39) and lubricants and/or binders (column 4, lines 18-36).

In regard to claim 9, Thomas discloses a process for the preparation of a chewing gum-containing tablet which comprises mixing a particulated gum base with a particulated tablet base material, wherein the average particle size of the gum base and the tablet base is less than approximately 150 micron (column 2, lines 21-42), and compressing the mixture in a tablet press to enable it to bind together and form a firm compact tablet (column 5, lines 1-9). It is inherent that if the tablet is made of compressed powder, it will crumble into a powder again when it is masticated, until enough saliva is absorbed by the particles to cause them to form a wad of chewing gum.

In regard to claim 10, Thomas discloses the gum base being plasticized rubber or polymer (column 4, lines 3-17).

In regard to claims 11 and 12, Thomas discloses the tablet base material being corn syrup (glucose and fructose) and powdered sugar (sucrose) (column 2, lines 34-36).

In regard to claim 13, Thomas discloses the chewing gum-containing tablet further comprising a flavor (column 2, line 39) and lubricants and/or binders (column 4, lines 18-36).

Claim Rejections - 35 USC § 103

Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas; as applied above, in view of Cherukuri et al., U.S. Patent 4,753,805. Thomas does not disclose the addition of a pharmaceutical, medicated, nutritive or functional agent to the mixture. Cherukuri also discloses a compressed chewing gum-containing tablet comprising a compressed mixture of gum base and tablet base in particulate form (abstract) and further discloses the chewing gum-containing tablet comprising medicaments (column 8, line 62-68). Therefore, it would have been obvious to include medicaments in the compressed chewing gum tablet of Thomas in order to increase the utility of the product.

Response to Arguments

Applicant's arguments with respect to claims 1 and 3-14 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah L. Kuhns whose telephone number is 571-272-1088. The examiner can normally be reached on Monday - Friday from 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached at 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SLK


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